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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ISOMEDIA, INC., et al.,

11 Plaintiffs,

12 v.

13 SPECTRUM DIRECT, INC., et al.,

14 Defendants.

CASE NO. C08-1733JLR

MINUTE ORDER RE:
AUGUST 13, 2010 HEARING

15 The following minute order is made by the direction of the court, the Honorable
16 James L. Robart:

17 The court held a hearing in this action on August 13, 2010, regarding the
18 following motions: (1) Defendants Direct Wines, Inc. ("Direct Wines"), Green Bullion
19 Financial Services, LLC ("Green Bullion"), and Spectrum Direct, Inc.'s ("Spectrum")
20 motion to exclude Plaintiffs Isomedia, Inc. and Isomedia.com, LLC's (collectively,
21 "Isomedia") late-disclosed expert (Dkt. # 207) and Defendant Prosper Inc.'s ("Prosper")
22 joinder in the motion to exclude (Dkt. # 221); (2) Isomedia's motion for partial summary

1 judgment against Direct Wines (Dkt. # 211); (3) Prosper's motion for summary judgment
2 (Dkt. # 219); (4) Spectrum's motion for summary judgment (Dkt. # 222); (5) Green
3 Bullion's motion for summary judgment (Dkt. # 223); and (6) Direct Wines's motion for
4 summary judgment (Dkt. # 224).

5 This minute order provides an overview of the court's oral rulings on the motions.
6 The court explained the bases for its rulings at the hearing. This overview is intended
7 merely to provide a record of the court's rulings for the convenience of the parties.

8 1. The court DENIES the motion to exclude (Dkt. # 207) and the joinder in
9 the motion (Dkt. # 221).

10 2. The court DENIES Isomedia's motion for partial summary judgment
11 against Direct Wines (Dkt. # 211).

12 3. The court GRANTS in part and DENIES in part Prosper's motion for
13 summary judgment (Dkt. # 219). The court grants summary judgment in favor of Prosper
14 with respect to Isomedia's claim under 15 U.S.C. § 7704(a)(4). The court denies
15 summary judgment with respect to Isomedia's claims under 15 U.S.C. §§ 7704(a)(1),
16 7704(a)(3), and 7704(a)(5).

17 4. The court GRANTS Spectrum's motion for summary judgment (Dkt. #
18 222).

19 5. The court GRANTS in part and DENIES in part Green Bullion's motion for
20 summary judgment (Dkt. # 223). The court grants summary judgment in favor of Green
21 Bullion with respect to Isomedia's claims under 15 U.S.C. §§ 7704(a)(4) and
22

1 7704(a)(5)(A)(i). The court denies summary judgment with respect to Isomedia's claims
2 under 15 U.S.C. §§ 7704(a)(1), 7704(a)(5)(A)(iii), and 7704(b)(2).

3 6. Additionally, at the hearing, Isomedia's counsel represented that Isomedia
4 does not assert claims under 15 U.S.C. § 7704(a)(2). This representation is in accordance
5 with the fourth amended complaint, which does not allege a violation of 15 U.S.C. §
6 7704(a)(2) as part of the first and only cause of action contained therein. (4th Am.
7 Compl. (Dkt. # 198) ¶¶ 21-25.) The court will treat this representation as binding on
8 Isomedia.

9 Filed and entered this 24th day of August, 2010.

10
11 BRUCE RIFKIN

Clerk

12 s/Mary Duett

13 Deputy Clerk
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